

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEAN LIN,

Plaintiff,

07-CV-3218 (Judge Holwell)

-against-

METROPOLITAN LIFE INSURANCE COMPANY,

Defendant.

AFFIDAVIT IN SUPPORT OF DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT

STATE OF CALIFORNIA)
) ss:
COUNTY OF LOS ANGELES)

PEGGY CHOU, being duly sworn, deposes and says:

1. I am an Examiner with Portamedic (Branch 472) in its offices in Ontario, California. I submit this affidavit in support of Defendant's Motion for Summary Judgment on its Counterclaim as a result of the material misrepresentations made by Bang Lin ("Decedent") in his application for life insurance Policy No. 204 126 416 ET (the "Policy") issued on August 31, 2004.

2. I have worked for Portamedic for nine years. From approximately June 2000 to the present, I have held the position of Examiner.

3. As an Examiner, I am generally responsible for interviewing proposed insureds for MetLife and other insurance companies. One of my specific responsibilities is to perform paramedical/medical examinations for proposed insureds as well. As part of this responsibility, I

draw blood, check vital signs, and administer EKGs. During a paramedical examination, I also review insurance application questions with proposed insureds and ask them to truthfully and completely answer the questions asked.

4. On or about August 18, 2004, I was asked to perform a paramedical/medical examination for Decedent. As such, I am familiar with the application questions I reviewed with him on Part II of the Application, attached hereto as Exhibit A. I recall asking him all of the questions on Exhibit A. This interview took place in Irvine, California, and no one other than Decedent and me was present. I asked Decedent the questions on Exhibit A in Chinese and he responded in Chinese.

5. Among the questions I asked was Question 5(d). Question 5(d) states:

Have you EVER received treatment, attention, or advice from any physician, practitioner or health facility for, or been told by any physician, practitioner or health facility that you had:

Ulcers; colitis; *hepatitis*; cirrhosis; or any other disease or disorder of: the liver, gallbladder; stomach or intestines?

(emphasis added).

6. Decedent responded, "No," and I marked the "No" box accordingly.

7. Among the questions I asked was Question 7. Question 7 states:

Do you have any doctor's visits, medical care, or surgery scheduled?

8. Decedent responded, "No," and I marked the "No" box accordingly.

9. Among the questions I asked was Question 8(a). Question 8(a) states:

Other than the above, during the past five years have you had any [c]heckup; electrocardiogram; chest x-ray or medical test?

10. Decedent responded, "No," and I marked the "No" box accordingly.

11. Among the questions I asked was Question 8(b). Question 8(b) states:

Other than the above, during the past five years have you had any [i]llness; injury; or health condition not revealed above; or have been recommended to have any: treatment, hospitalization; surgery; medical test; or medication?

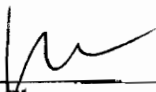
12. Decedent responded, "No," and I marked the "No" box accordingly.

13. I explained to Decedent that in signing Exhibit A, he was stating that the answers therein were true and correct to the best of his knowledge and belief. Decedent agreed and signed on page 2 in the box for the proposed insured.

14. After completing the paramedical examination, in accordance with my usual practices, I forwarded Exhibit A to MetLife for further processing.

15. The above facts are true and correct to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NOT.



Peggy Chou

Sworn to before me this 21
day of April, 2008



Notary Public

